

Following an article in the *Wall Street Journal* reporting on an affidavit filed by Paul Eckstein, Senator McCain wrote to Secretary Babbitt on July 19, 1996, asking, inter alia:

On or about July 14, 1995 was a telephone call made by Ickes or by someone on his behalf to you or someone on your behalf on this issue?

If so, did Ickes or his delegate convey to you a message that the Interior Department should not delay release of its decision to favor O'Connor's client tribes on this matter?

Paul Eckstein, the lobbyist for Indian tribes on the other side of the dispute, has sworn in an affidavit that he met with you on July 14, 1995 and that you told Eckstein that Ickes had called you and told you the decision in favor of Mr. O'Connor's client tribes had to be issued that day without delay? Is this true?

(Report at 357.)

In response, Secretary Babbitt replied on August 30, 1996:

I must regretfully dispute Mr. Eckstein's assertion that I told him that Mr. Ickes instructed me to issue a decision in this matter without delay. I never discussed the matter with Mr. Ickes; he never gave me any instructions as to what this Department's decision should be, nor when it should be made.

(*Id.* at 467.)

Secretary Babbitt has consistently testified that in responding to Senator McCain he was addressing what he understood to be the heart of Senator McCain's inquiry, namely whether he had been contacted or pressured by Ickes on the Hudson matter, and that he did not intend to mislead McCain. (Babbitt Testimony Before the Senate Committee on Government Affairs, October 30, 1997 (hereinafter "Babbitt Thompson Comm. Test.") at 137, 182-83; Babbitt Grand